

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10486 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

(1 to 5 NO)

BHARAT PETROLIUM CORPORATION

Versus

STATE OF GUJARAT

Appearance:

MR GN SHAH for Petitioner

MR. T.H.SOMPURA,LD.GOV'T.PLEADER Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 31/01/97

ORAL JUDGEMENT

Rule. Ld. Govt. Counsel Mr. Tushar Sompura waives service of the rule for the Respondents.

Upon hearing learned counsel for the petitioner and learned Govt. Counsel, it appears that, the present petition requires a partial recognition, and after

setting aside the impugned orders the matter requires to be remanded to learned Collector, Junagadh.

It appears that, the petitioner Bharat Petroleum Corporation Limited has got a retail petroleum outlet at Junagadh. It was on a lease for a particular period. Now there are the orders dated 26th November 1996, Annexure-D saying that, Mamlatdar, Junagadh, should take over possession of the plot of the land on which the retail petroleum outlet is situated. The above said orders are in challenge in the present petition before me.

When the said orders are perused, it is eloquently clear that the representative of the petitioner could be heard on December 12, 1995. Later on certain reports have been received. It appears that these reports were not brought to the notice of the petitioner and that, the petitioner was not afforded a reasonable opportunity of being heard, after the above said reports were obtained.

Looking to this prominent feature of the matter, the present petition requires to be granted in part and the matter requires to be remanded to Collector, Junagadh, for fresh decision.

In the result, therefore, the present petition is allowed in part and the impugned orders are hereby quashed and set aside. The matter is remitted back to learned Collector, Junagadh for decision according to law and on merits, after affording a reasonable opportunity of being heard to the petitioner. All the material, which learned Collector, Junagadh would like to take in to consideration for arriving at just a decision, shall be made available to the petitioner. Petition succeeds to the above said extent. Rule is made absolute with no order as to cost.
